

REMARKS

In response to the Office Action dated February 2, 2010, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-8, 10-12, 14-16, and 18-20 are pending in this application, but independent claim 1 has been withdrawn due to restriction.

Rejection of Claims under § 112

The Office rejected claims 2-6, 8, 11, and 15-20 under 35 U.S.C. § 112, first paragraph, for failing the written description requirement. Claim 17, though, has been canceled, so the rejection of claim 17 is moot. Claims 2-6, 8, 11, 15-16, and 18-20 have been amended, so the Office is respectfully requested to re-examine these claims in their current presentation.

Rejection of Claims 2-5 under § 103 (a)

The Office rejected claims 2-5 under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent Application Publication 2002/0146102 to Lang in view of U.S. Patent 5,970,121 to Homayoun and further in view of U.S. Patent 6,856,963 to Hurwitz.

These claims, though, are not obvious over *Lang* with *Homayoun* and *Hurwitz*. These claims recite, or incorporate, features that are not disclosed or suggested by the combined teaching of *Lang* with *Homayoun* and *Hurwitz*. Independent claim 2, for example, recites “receiving, at the auction moderator, a service provider rating from a recipient of the communication service” and “providing a recipient rating to the auction moderator” (emphasis added). These features are textually supported by paragraph [0025] and illustrated in FIG. 2 of the as-filed application.

At least these features are not obvious over *Lang* with *Homayoun* and *Hurwitz*. *Lang* discloses competitive bidding for telecommunications services. See U.S. Patent Application Publication 2002/0146102 to *Lang* at [0009], [0016], [0017], and [0060]. *Homayoun* allows parties to a call to provide feedback to the local service provider. See U.S. Patent 5,970,121 to *Homayoun* at column 3, lines 38-42 and at column 4, lines 3-10. After the call is completed, each local switch couples the local line to the local service provider's database. See *id.* at column 5, lines 45-50. A feedback compiler interprets feedback responses. See *id.* at column 6, lines 5-10. *Hurwitz* uses a buyer's and seller's "reputation" to establish trust in electronic transactions. See U.S. Patent 6,856,963 to *Hurwitz* at column 2, lines 15-25. Reputations may be displayed in an auction website. See *id.* at column 4, lines 15-25. Still, though, *Lang* with *Homayoun* and *Hurwitz* fails to teach or suggest all the features of independent claim 1.

Claims 2-5, then, are not obvious over *Lang* with *Homayoun* and *Hurwitz*. Independent claim 1 recites many features that are not disclosed or suggested by the cited documents, and the dependent claims incorporate these same features and recite additional features. These claims, then, cannot be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claim 6 under § 103 (a)

The Office rejected claim 6 under 35 U.S.C. § 103 (a) as being obvious over *Lang* with *Homayoun* and *Hurwitz* and further in view of U.S. Patent Application Publication 2003/0055723 to English. Claim 6, however, depends from independent claim 2, so dependent claim 6 incorporates the distinguishing features discussed above. As the above paragraphs explained, *Lang* with *Homayoun* and *Hurwitz* fails to teach or suggest all the features recited by independent claim 2, and *English* does not cure the deficiencies. *English* describes "thumbs up" and "thumbs down" icons to rate vendors. Still, though, the proposed combination fails to teach or suggest all the features of independent claim 1, from which claim 6 depends. One of ordinary skill in the art would not think that claim 6 is obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of claim 6.

Rejection of Claim 7 under § 103 (a)

The Office rejected claim 7 under 35 U.S.C. § 103 (a) as being obvious over *Lang* with *Homayoun* and *Hurwitz* and further in view of U.S. Patent Application Publication 2002/0112060 to Kato and still further in view of U.S. Patent 6,728,267 to Giese, *et al.* Claim 7, though, depends from independent claim 2, so claim 7 incorporates the same distinguishing features. As the above paragraphs explained, *Lang* with *Homayoun* and *Hurwitz* fails to teach or suggest all the features recited by independent claim 2, and the additional teachings of *Kato* and *Giese* does not cure the deficiencies. One of ordinary skill in the art would not think that claim 7 is obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of claim 7.

Rejection of Claims 8, 10-16 & 20 under § 103 (a)

The Office rejected claims 8, 10-16, and 20 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* and *Kato* in view of U.S. Patent 6,535,592 to Snelgrove and further in view of *Hurwitz*.

These claims, though, are not obvious over *Lang* with *Kato*, *Snelgrove*, and *Hurwitz*. These claims recite, or incorporate, features that are not disclosed or suggested by the combined teaching of *Lang* with *Kato*, *Snelgrove*, and *Hurwitz*. Independent claim 8, for example, recites “receiving ... a service provider rating from the recipient of the communications service ... indicating whether the recipient was satisfied with the communications service” and “receiving a recipient rating ... in which a service provider of the communications service indicates whether a recipient of the communications service satisfactorily paid for the block of time” (emphasis added). These features are textually supported by paragraphs [0025] - [0026] and illustrated in FIG. 2 of the as-filed application. Independent claim 20 recites similar features.

At least these features are not obvious over *Lang* with *Kato*, *Snelgrove*, and *Hurwitz*. The proposed combination of *Lang* with *Kato*, *Snelgrove*, and *Hurwitz* receives notifications of

transaction events from a “trusted intermediary.” See U.S. Patent 6,856,963 to Hurwitz at column 2, lines 41-44 and at lines 60-63. See also *id.* at column 3, lines 24-40. As transaction “events” progress, the trusted intermediary receives “notifications” of each event. See *id.* at column 4, lines 30-35. The proposed combination of *Lang* with *Kato*, *Snelgrove*, and *Hurwitz*, then, fails to teach or suggest “a service provider rating from the recipient of the communications service” and “a recipient rating ... in which a service provider of the communications service indicates whether a recipient of the communications service satisfactorily paid for the block of time” (emphasis added).

Claims 8, 10-16, and 20, then, are not obvious over *Lang* with *Kato*, *Snelgrove*, and *Hurwitz*. Independent claims 8 and 20 recite many distinguishing features, and their dependent claims incorporate these same features and recite additional features. These claims, then, cannot be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claim 17 under § 103 (a)

The Office rejected claim 17 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* with *Snelgrove*, *Hurwitz*, and *Homayoun*. Claim 17, however, depends from independent claim 8 and, thus, incorporates the same distinguishing features. One of ordinary skill in the art would not think that claim 17 is obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of claim 17.

Rejection of Claim 18 under § 103 (a)

The Office rejected claim 18 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* with *Snelgrove*, *Hurwitz*, and *English*. Claim 18, however, depends from independent claim 8 and, thus, incorporates the same distinguishing features. One of ordinary skill in the art would not think that claim 18 is obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of claim 18.

Rejection of Claim 19 under § 103 (a)

The Office rejected claim 19 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* with *Snelgrove*, *Hurwitz*, *Kato*, and *Giese*. Claim 19, though, depends from independent claim 8, so claim 19 incorporates the same distinguishing features. One of ordinary skill in the art would not think that claim 19 is obvious.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott P. Zimmerman", with a stylized flourish at the end.

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